



United States Department of Justice
Civil Rights Division

RELIGIOUS FREEDOM IN FOCUS

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Religious Freedom in Focus is a periodic email update about the Civil Rights Division's religious liberty and religious discrimination cases. Through vigorous enforcement of:

- Federal statutes prohibiting religion-based discrimination in education, employment, housing, public facilities, and public accommodations;
- Federal laws against arson and vandalism of houses of worship and bias crimes against people because of their faith; and
- The Religious Land Use and Institutionalized Persons Act (RLUIPA);

the Civil Rights Division is working to protect the right of all people to practice their faiths freely and without discrimination.

Back issues of this newsletter may be found at

<http://www.justice.gov/crt/religiousdiscrimination>. You may also contact the Special Counsel for Religious Discrimination, Eric W. Treene, at (202) 353-8622.

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Consent Decree Allows Jewish Shabbos House to Remain in Village

A *Shabbos* house next to a New York hospital that helps Sabbath-observant Jews visit sick relatives will be allowed to continue operations under a [consent decree](#) reached on June 16 between the United States and the Village of Suffern. The consent decree resolves a civil rights suit, brought by the United States under the [Religious Land Use and Institutionalized Persons Act](#) (RLUIPA), over the village's efforts to shut down the *Shabbos* house located next to the Good Samaritan Hospital in Suffern. A federal judge in New York approved the consent decree in *United States v. Suffern* on June 17.

Bikur Cholim, which means "visiting the sick" in Hebrew, is an Orthodox Jewish organization that has operated a *Shabbos* house near Good Samaritan Hospital in Suffern since 1988. The *Shabbos* house provides meals and lodging to observant Jews on the Sabbath and on holy days, which allows them to visit sick relatives in the hospital. It also allows Sabbath-observant patients who are discharged on Friday afternoons or Saturday to have somewhere to stay and keep Sabbath before going home. Those using the *Shabbos* house are forbidden by their faith from driving or engaging in any work on the Sabbath. The nearest hotel to the hospital is a 1.8 mile walk along a major commercial road with only intermittent sidewalks. Originally, the *Shabbos* house was on the grounds of the Good Samaritan Hospital, but hospital expansion required it to move to a house across from the hospital's parking lot, in a residential district.

The village began enforcement action against Bikur Cholim on the ground that the

Shabbos House is not a permitted use in a residential district, and denied it a variance. The United States [filed suit](#) in September 2006 under Section 2(a)(1) of RLUIPA, which provides that a government may not enforce a zoning law in a manner that imposes a substantial burden on religious exercise without a compelling government justification pursued through the least restrictive means. The United States District Court for the Southern District of New York in June 2009 rejected the village's arguments that the *Shabbos* house was not "religious exercise" under RLUIPA and ordered the case to move forward.

Under the terms of the consent decree, the *Shabbos* House will be able to continue operations and serve up to 14 guests on the Sabbath. The consent decree also requires village officials to undergo training on the requirements of RLUIPA, maintain records and meet reporting requirements.

For more information on the Civil Rights Division's RLUIPA enforcement efforts, please visit the [Housing and Civil Enforcement Section Home Page](#).

Guilty Pleas In Massachusetts Church Arson Case

On June 16 and June 22, two Springfield, Massachusetts men pleaded guilty to federal civil rights charges for the burning of the Macedonia Church of God in Christ in Springfield in the early morning of November 5, 2008. Shortly after the election of President Obama, Benjamin Haskell and Thomas Gleason doused the predominantly African-American church with gasoline and set a fire that completely destroyed the building. The church was under construction at the time and was 75 percent complete.

The men pleaded guilty to [18 U.S.C. § 275](#), known as the Church Arson Prevention Act. The men were charged under subsection (c) of the Act, which makes it a federal crime to "intentionally deface[], damage[], or destroy[] any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property." (Another section of the Act, subsection (b), covers defacing, damaging, or destroying religious property because of its religious character.). They also pleaded guilty to conspiracy to violate civil rights in violation of 18 U.S.C. § 241.

Assistant Attorney General for the Civil Rights Division Thomas E. Perez stated: "The freedom to practice the religion that we choose in a safe environment without being subjected to discrimination or hateful acts is among our nation's most cherished rights. Anyone who violates that right will be prosecuted to the fullest extent of the law."

U.S. Attorney Carmen Ortiz stated that the convictions "should send a strong message that hate crimes will be vigorously investigated and prosecuted in Massachusetts. When I announced my civil rights initiative earlier this month, I made it clear that the U.S. Attorney's Office will be reinvigorating its efforts in this area, and making it one of our top priorities."

Haskell and Gleason will be sentenced in September and October. The trial of a third alleged co-conspirator is pending.

DOJ Investigation Closed After Oregon Repeals Religious Clothing Ban

The Civil Rights Division closed its investigation into the State of Oregon's ban on public school teachers wearing religious clothing after the governor signed a bill on April 1 repealing the ban. The Civil Rights Division had notified the Oregon Attorney General in October 2009 that it was investigating whether a state law banning school teachers from wearing "any religious dress" violated [Title VII of the Civil Rights Act of 1964](#). The Civil Rights Division's investigation, and the subsequent repeal of the law, was recounted in a recent article on [The Justice Blog](#) entitled [Fulfilling the Promise](#).

In 1923, at a time when the Ku Klux Klan exerted powerful influence on Oregon politics, the legislature passed various measures aimed at Roman Catholics. One law made it a crime for parents to send their children to private schools rather than public schools. This law was struck down by the Supreme Court in [Pierce v. Society of Sisters](#) in 1925.

Another law passed by the legislature barred the wearing of religious clothing while performing the duties of a teacher. This was aimed at preventing nuns from working as teachers in the public schools.

As the state became more diverse, the religious clothing ban impacted other religious groups, such as Muslims and Sikhs, whose members sometimes wear religious headcoverings and clothing. In 1986, the Oregon Supreme Court affirmed the dismissal of a female Sikh teacher who wore a religious headcovering and robe in *Cooper v. Eugene School District*.

In July 2009, Oregon enacted the Workplace Religious Freedom Act. This law expanded workplace religious rights for many, but also had a provision that explicitly reaffirmed the 1923 ban, providing that “no teacher in any public school shall wear any religious dress while engaged in the performance of duties as a teacher.”

On October 5, the Civil Rights Division wrote to the Attorney General of Oregon informing him that it had initiated an investigation to determine whether the teacher religious garb ban constituted a pattern or practice of religious discrimination in violation of Title VII.

Title VII prohibits employment discrimination on the basis of race, color, sex, national origin or religion. The religious discrimination provisions include a requirement that employers make a reasonable accommodation of employees’ religious observances and practices.

The Oregon legislature subsequently passed a bill, HB 3686, repealing the religious garb ban for teachers, which Governor Ted Kulongoski signed on April 1, 2010. In response, the Civil Rights Division notified the Oregon Attorney General on April 13 that it was closing its Title VII investigation.

Attorney General Holder, cited the Civil Rights Division’s investigation in a recent [speech to the American Arab Anti-Discrimination Committee](#). He stated that the Justice Department:

is committed to ensuring religious freedom, a foundational promise of our democracy. As many of you know, over the last year, we worked to encourage the state of Oregon to repeal a long-standing law, initially passed nearly a hundred years ago to bar Catholic nuns from teaching at public schools. The law was reaffirmed as recently as 2009, and effectively forced some Muslim and Sikh women to choose between their careers and their faiths by preventing the wearing of religious garb in the classroom. Following a letter from our Civil Rights Division, the Oregon legislature and governor acted to repeal the law in April.

More information about the Civil Rights Division’s efforts to protect the religious rights of workers can be found on the [Employment Litigation Section homepage](#).

Last Two Defendants Sentenced in Tennessee Mosque Arson

The two final defendants in the arson of the Islamic Center of Columbia in Columbia, Tennessee were sentenced on March 25 and April 22 in federal district court in Nashville. Eric Ian Baker received 183 months in prison, and Jonathan Edward Stone received a 73-month sentence, for their roles in the February 2008 arson, which completely destroyed the mosque in Columbia, a small city in Middle Tennessee.

Baker and Stone, along with a third man, Michael Corey Golden, spraypainted swastikas and “white power” on the mosque and ignited Molotov cocktails, starting a fire that destroyed the mosque. All three pleaded guilty to violating subsection the [Church Arson Prevention Act, 18 U.S.C. § 275](#). Golden was sentenced in November 2009 to 171 months in prison.

Guilty Plea in Alabama Synagogue Desecration; Sentencing Set

After pleading guilty on March 26 to violating the [Church Arson Prevention Act](#), Christian Rodney Ice is scheduled to be sentenced on September 23. Ice admitted that he and an associate spraypainted "Hitler was Right" and "Juden Rause" ("Jews Out"), along with neo-Nazi markings, on the Congregation Tree of Life Messianic Synagogue in Mobile, Alabama, in the late night and early morning hours of January 3 to 4, 2009. Ice faces up to one year in prison and a \$100,000 fine.

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